

## TRADEMARKS

*Exchange of notes at Washington February 10 and 16, 1883*

*Entered into force February 16, 1883*

*Replaced December 5, 1957, by treaty of March 27, 1956<sup>1</sup>*

Treaty Series 470

*The Netherlands Minister Resident to the Secretary of State*

[TRANSLATION]

WASHINGTON, February 10, 1883

MR. SECRETARY OF STATE: I have the honor herewith to transmit to Your Excellency a copy of the official edition of the Dutch Law relative to trade-marks, bearing date of May 25, 1880.<sup>2</sup>

The provisions of this law make no distinction between natives of the Netherlands and foreigners, so that citizens of the United States of America receive the same usage in the Netherlands as my countrymen, as regards everything connected with the registration and protection of their trade-marks.

It consequently seems that, so far as the Netherlands are concerned, the conditions of reciprocity are fulfilled which are established for the registration and protection of foreign trade-marks in the United States of America by the act of Congress approved March 3, 1881,<sup>3</sup> ("Public" No. 72) which allows the registration of trade-marks whose owners reside in foreign countries the laws of which grant the same privilege to citizens of the United States of America.

I have, therefore, been instructed by my government to beg Your Excellency to be pleased, if there are no objections, to cause the adoption of the measures necessary in order that subjects of the Netherlands may hereafter avail themselves, in the United States of America, of the Act of Congress to which I have just referred.

Be pleased to accept, Mr. Secretary of State, a renewed assurance of my highest consideration.

G. DE WECKHERLIN

To His Excellency F. T. FRELINGHUYSEN,  
*Secretary of State, Washington.*

<sup>1</sup> 8 UST 2043; TIAS 3942.

<sup>2</sup> Not printed here.

<sup>3</sup> 21 Stat. 502.

*The Secretary of State to the Netherlands Minister Resident*

WASHINGTON, Feb. 16, 1883

MR. G. DE WECKHERLIN,  
*Etc., etc., etc.*

SIR: I have the honor to acknowledge the receipt of your note of the 10th instant, by which you communicate to me the text of the Netherlands law of the 25th of May, 1880, concerning Marks of Trade and Commerce.

I have taken due note of your statement that this law makes no distinction between Nederlanders and foreigners, so that the citizens of the United States are treated in the Low Countries on the same footing as the natives thereof in all that concerns the registration and protection of their commercial and trade marks. As the enacting clause of the Act of Congress of March 3, 1881 "to authorize the registration of trade marks and protect the same", provides in terms as follows: "That owners of trade-marks used in commerce with foreign nations, or with the Indian tribes, provided such owners shall be domiciled in the United States, or *located in any foreign country* or tribes which by treaty, convention or law, afford similar privileges to citizens of the United States, may obtain registration of such trade-marks by complying with" the requirement of that act, and as your declaration establishes the fact that the Netherlands law gives similar privileges to citizens of the United States located in the Low Countries, the fact of entire reciprocity of usage between the two countries in this respect may now be regarded as established and evidenced by the present exchange of diplomatic notes, and as henceforth operative without further formalities between them.

As soon as a translation of the law you communicate to me can be prepared, a copy thereof, with copies of the present correspondence, will be communicated to the Secretary of the Interior, for the governance of the Commissioner of Patents in all that may pertain to the lawful registration of trade-marks by Nederlanders.

Accept, Sir, a renewed assurance of my highest consideration.

FREDK. T. FRELINGHUYSEN